



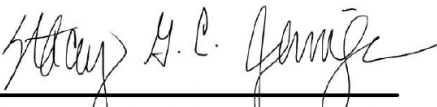
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 28, 2023


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION
TRUSTEE OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA;
SCOTT ELLINGTON; ISAAC LEVENTON;
GRANT JAMES SCOTT III; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS,
L.P.; HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P.; DUGABOY
INVESTMENT TRUST AND NANCY
DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST
AND GRANT JAMES SCOTT III, AS
TRUSTEE OF GET GOOD TRUST; HUNTER
MOUNTAIN INVESTMENT TRUST; MARK &
PAMELA OKADA FAMILY TRUST –

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

EXEMPT TRUST #1 AND LAWRENCE
TONOMURA AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST
#2 AND LAWRENCE TONOMURA IN HIS
CAPACITY AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #2; CLO HOLDCO, LTD.;
CHARITABLE DAF HOLDCO, LTD.;
CHARITABLE DAF FUND, LP.; HIGHLAND
DALLAS FOUNDATION; RAND PE FUND I,
LP, SERIES 1; MASSAND CAPITAL, LLC;
MASSAND CAPITAL, INC.; AND SAS ASSET
RECOVERY, LTD.,

Defendants.

**ORDER GRANTING MOTION FOR EXPEDITED HEARING
ON MOTION TO STAY THE ADVERSARY PROCEEDING**

Having considered the *Opposed Motion for Expedited Hearing on Motion to Stay the Adversary Proceeding* [Dkt. No. 323] (the “Motion to Expedite”)² filed by Marc S. Kirschner (the “Litigation Trustee”), the Litigation Trustee of the Litigation Sub-Trust established pursuant to the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Dkt. 1808]³ (as amended, the “Plan”) and plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), the Court finds and concludes (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) the Litigation Trustee’s notice of the Motion to Expedite and opportunity for a hearing on the Motion to Expedite were appropriate under the circumstances and no other notice need be provided; and (c) good cause exists to grant the relief requested in the Motion to Expedite. Accordingly, **IT IS THEREFORE ORDERED THAT:**

1. The Motion to Expedite is **GRANTED** as set forth herein.

² Capitalized terms not otherwise defined in this Order shall have the meanings given them in the Motion to Expedite.

³ “Bankr. Dkt.” refers to the docket maintained in Case No. 19-34054-sgj11 (Bankr. N.D. Tex.).

2. The hearing on the Litigation Trustee's Motion to Stay is hereby scheduled to take place on **Friday, March 31, 2023, at 9:30 a.m. (Central Time)**.

3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

END OF ORDER

Kirschner,
Plaintiff
Dondero,
Defendant

Adv. Proc. No. 21-03076-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

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Form ID: pdf001

Total Noticed: 11

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 2023:

Recip ID	Recipient Name and Address
aty	+ Aaron M. Lawrence, Quinn Emanuel Urquhart & Sullivan LLP, 51 Madison Ave., Floor 22, New York, NY 10010-1603
aty	+ Amy L. Ruhland, DLA Piper LLP (US), 303 Colorado Street, Ste. 300, Austin, TX 78701-4654
aty	+ Amy L. Ruhland, 303 Colorado Street, Ste. 300, Austin, TX 78701-4653
aty	+ Anna Deknatel, Quinn Emanuel Urquhart & Sullivan LLP, 51 Madison Ave., Floor 22, New York, NY 10010-1603
aty	+ Jason M. Hopkins, DLA Piper LLP (US), 1900 N. Pearl Street., Ste. 2200, Dallas, TX 75201-2482
aty	+ Jeremy A. Root, Stinson LLP, 230 W. McCarty Street, Jefferson City, MO 65101-1553
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827
dft	+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 9

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Mar 28 2023 21:35:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustregion07.au.ecf@usdoj.gov	Mar 28 2023 21:35:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
crc	*+	Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

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Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 2023 at the address(es) listed below:

Name	Email Address
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant Mark Okada gluecksteinb@sullcrom.com
Cameron A. Fine	on behalf of Cross-Claimant Hunter Mountain Investment Trust cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY INVESTMENT TRUST cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant GET GOOD TRUST AND GRANT JAMES SCOTT III AS TRUSTEE OF GET GOOD TRUST cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant James D. Dondero cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Cross-Claimant RAND PE FUND I LP, SERIES 1 cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant STRAND ADVISORS INC cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant RAND PE FUND I LP, SERIES 1 cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Defendant Hunter Mountain Investment Trust cameron.fine@us.dlapiper.com
Cameron A. Fine	on behalf of Cross Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY INVESTMENT TRUST cameron.fine@us.dlapiper.com
Christopher J. Akin	on behalf of Defendant Isaac Leventon cakin@lynlllp.com cbaker@lynlllp.com
Christopher J. Akin	on behalf of Defendant Scott Ellington cakin@lynlllp.com cbaker@lynlllp.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant Mark Okada cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 cort@brownfoxlaw.com korourke@brownfoxlaw.com
Deborah Rose Deitsch-Perez	on behalf of Defendant Highland Capital Management Fund Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Deborah Rose Deitsch-Perez	on behalf of Defendant NexPoint Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Debra A Dandeneau	on behalf of Defendant CPCM LLC debra.dandeneau@bakermckenzie.com, blaire.cahn@bakermckenzie.com

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Debra A Dandeneau	on behalf of Defendant Isaac Leventon debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Scott Ellington debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Frank Waterhouse debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Jason Michael Hopkins	on behalf of Defendant James D. Dondero jason.hopkins@dlapiper.com jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY INVESTMENT TRUST jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant Hunter Mountain Investment Trust jason.hopkins@dlapiper.com jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant GET GOOD TRUST AND GRANT JAMES SCOTT III AS TRUSTEE OF GET GOOD TRUST jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant RAND PE FUND I LP, SERIES 1 jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant STRAND ADVISORS INC jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
John J. Kane	on behalf of Defendant Grant James Scott III jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com
Juliana Hoffman	on behalf of Plaintiff Marc Kirschner jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com
Kevin Perkins	on behalf of Defendant MASSAND CAPITAL INC. kperkins@vanacourperkins.com
Kevin Perkins	on behalf of Defendant MASSAND CAPITAL LLC kperkins@vanacourperkins.com
Louis M. Phillips	on behalf of Defendant Charitable DAF Fund LP louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com
Louis M. Phillips	on behalf of Defendant CLO HOLDCO LTD.; CHARITABLE DAF HOLDCO, LTD. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com
Louis M. Phillips	on behalf of Defendant Highland Dallas Foundation Inc. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com
Margaret Michelle Hartmann	on behalf of Defendant Frank Waterhouse michelle.hartmann@bakermckenzie.com
Margaret Michelle Hartmann	on behalf of Defendant Scott Ellington michelle.hartmann@bakermckenzie.com
Margaret Michelle Hartmann	on behalf of Defendant CPCM LLC michelle.hartmann@bakermckenzie.com
Margaret Michelle Hartmann	on behalf of Defendant Isaac Leventon michelle.hartmann@bakermckenzie.com
Melissa S. Hayward	on behalf of Debtor Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Michael P. Aigen	on behalf of Defendant Highland Capital Management Fund Advisors L.P. michael.aigen@stinson.com
Michael P. Aigen	on behalf of Defendant NexPoint Advisors L.P. michael.aigen@stinson.com
Paige Holden Montgomery	on behalf of Plaintiff Marc Kirschner pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;spencer.stephens@sidley.com;ebromagen@sidley.com;e filingnotice@sidley.com

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Zachery Z. Annable

on behalf of Debtor Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 45